



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Integrity Private Security Services, Inc.--
Reconsideration

File: B-249910.2

Date: May 24, 1993

Jasmin Rivera-Chambers for the protester.
David Hasfurther, Esq., Linda C. Glass, Esq., and Michael R.
Golden, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where protester fails to show error of fact or law or information not previously considered that would warrant reversal or modification of prior decision.

DECISION

Integrity Private Security Services, Inc. requests reconsideration of our decision in Integrity Private Sec. Servs., Inc., B-249910, Dec. 18, 1992, 92-2 CPD ¶ 424, in which we denied its protest challenging the exclusion of Integrity's proposal from the competitive range under request for proposals (RFP) No. NAMA-92-N3-P-0010, issued by the National Archives and Records Administration for armed security guard services. Integrity argues that in our prior decision we erred in concluding that the evaluation of its proposal was reasonable.

We deny the request for reconsideration.

The RFP was issued to obtain armed security guard services for the Jimmy Carter Presidential Library. Award was to be made to the offeror whose proposal was determined to be in the best interest of the government. After evaluating proposals from 14 offerors, the agency established a competitive range consisting of 5 offers. Integrity's offer was not included in the competitive range. We concluded that the evaluation of Integrity's proposal was reasonable, and because Integrity failed to provide the required information under compensation plan, supervisory personnel, incident response plans and library requirements, it was reasonably excluded from the competitive range.

As stated in our prior decision, this solicitation was a revised version of an RFP for the same services which the agency previously canceled. The agency had requested, received, and evaluated proposals under that RFP. Integrity's original proposal, which was the same as the one in question here, was found acceptable under the prior RFP. Integrity argued that the acceptance of its proposal under the prior RFP established that the present evaluation was unreasonable and that its proposal under the revised solicitation should have been found acceptable. However, the revised RFP contained changes to the evaluation factors. Of most significance, the revised RFP required a management plan for staffing/compensation and project management worth 70 points which was not contained in the prior solicitation. We specifically stated that Integrity's submission of the proposal under the prior version of the RFP, which did not require a management plan, reasonably could be evaluated differently under the revised RFP. In fact, as explained in our decision, Integrity's proposal was found unacceptable because of Integrity's inadequate response to the revised RFP's management plan requirements.

In its request for reconsideration, Integrity raised the following major arguments: (1) we erred in concluding that since the evaluation criteria was revised the acceptability of Integrity's proposal on the canceled RFP had no bearing on the evaluation and rejection of Integrity's identical proposal submitted on the protested RFP and (2) that the evaluation of its proposal was unreasonable because its proposal and enclosures contained sufficient information to be evaluated favorably.

In its request for reconsideration, Integrity generally repeats arguments it made previously and expresses disagreement with our decision. Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision may contain either error of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1993). The repetition of arguments made during our consideration of the original protest and mere disagreement with our decision do not meet this standard. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.


Integrity's assertion that the evaluation criteria in the protested RFP did not change that drastically from the canceled RFP is simply incorrect. As previously stated, the revised RFP required a management plan for staffing/compensation and project management worth 70 points which was not contained in the prior solicitation. Thus, it is clear that the organization of material and the type of information (and its scoring) required for the protested RFP

was different than under the canceled RFP, and we believe that the agency could under the circumstances reasonably reach different evaluation results when applying each set of criteria to the identical Integrity proposal.

As regards the actual evaluation itself, Integrity simply repeats the arguments made in its initial protest. For instance, as regards the failure to supply information for the "Staffing/Compensation" criterion, Integrity stated in its protest that the information had been provided in a detailed spreadsheet, but that since Integrity had believed that the Federal Acquisition Regulation did not require the submission of this type of information with a technical proposal it had provided the worksheet in its price proposal. We said in our decision that Integrity had stated that it "failed to provide the necessary compensation information with its technical proposal," which is exactly what Integrity did fail to do. The canceled RFP had not required the submission of compensation information with the technical proposal, and Integrity submitted its original technical proposal without revision on the revised RFP. With respect to the confusion created in its proposal regarding on-site supervisor, Integrity originally stated that this could have been clarified during negotiations. Now it states that another portion of its proposal, as well as the fact that it was the incumbent contractor, would have clarified the matter.¹

Integrity is simply arguing facts that were part of the protest record we originally considered in reaching our decision and, as such, fails to show that our prior decision incorrectly concluded that the agency's evaluation was reasonable.

Accordingly, the request for reconsideration is denied.


for James F. Hinchman
General Counsel

¹The offeror has the responsibility of submitting adequately written proposals, Caldwell Consulting Assocs., B-242767; B-242767.2, June 5, 1991, 91-1 CPD ¶ 530, and an offeror must demonstrate within the four corners of its proposal that it is capable of performing the work upon the terms most advantageous to the government. Northwestern Travel Agency, Inc., B-244592, Oct. 23, 1991, 91-2 CPD ¶ 363.